



Control Number: 49737



Item Number: 33

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APPLICATION OF SOUTHWESTERN
ELECTRIC POWER COMPANY FOR
CERTIFICATE OF CONVENIENCE
AND NECESSITY AUTHORIZATION
AND RELATED RELIEF FOR THE
ACQUISITION OF WIND
GENERATION FACILITIES

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2019 AUG -5 PM 2:53
PUBLIC UTILITY COMMISSION
FILING CLERK

OF TEXAS

**SOUTHWESTERN ELECTRIC POWER COMPANY'S OBJECTIONS TO TEXAS
INDUSTRIAL ENERGY CONSUMERS' SECOND SET OF REQUESTS FOR
INFORMATION**

Southwestern Electric Power Company (SWEPCO) files these objections to the Second Set of Requests for Information (RFIs) from Texas Industrial Energy Consumers (TIEC).

I. Introduction

SWEPCO received TIEC's Second Set of RFIs on July 25, 2019. Counsel for SWEPCO and TIEC have been working to negotiate these objections diligently and in good faith and will continue to do so. This objection is timely filed.

II. Reservation of Rights

Based on diligent inquiry, SWEPCO believes that all necessary objections have been raised in this pleading. SWEPCO does not, however, waive its right, if additional documents are subsequently found that are responsive to these requests, to claim that such documents are confidential or privileged if such an objection is determined to be appropriate.

III. Objections to Definitions and Instructions

SWEPCO objects to the definitions and instructions to the extent they attempt to impose requirements in excess of the applicable rules. SWEPCO will respond to discovery in accordance with the applicable rules.

IV. Specific Objections

Request for Information

2-4 Please explain why SWEPCO limited the RFP to build-own-transfer projects and did not request proposals for wind purchase power agreements (PPAs). Please provide all analyses, presentations, and internal correspondence regarding SWEPCO's decision to pursue build-own-transfer projects instead of PPAs.

Objection

SWEPCO objects to the extent that this request does or could be construed to call for the production of information subject to the attorney-client or attorney work-product privileges.¹ Privileged work product includes material prepared or mental impressions developed in anticipation of litigation by a party's representatives, including the party's employees, attorneys, and consultants.² Privileged attorney-client communications include those between SWEPCO, or its representatives, and SWEPCO's legal counsel, or its representatives, that were made to facilitate the rendition of legal services—including confidential legal advice, opinions, and mental analyses. SWEPCO further objects that privileged materials are outside the scope of permissible discovery.³

Notwithstanding the foregoing objection, SWEPCO will provide non-privileged information responsive to this request.

V. CONCLUSION

SWEPCO respectfully requests that its objections to TIEC's Second Set of RFIs be sustained and that SWEPCO be granted any other relief it is entitled.

Respectfully submitted,

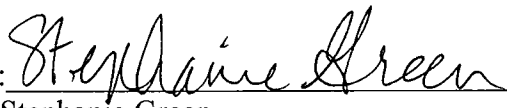
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¹ Tex. R. Civ. P. 192.5; Tex. R. Evid. 503.

² Tex. R. Civ. P. 192.5(a).

³ See Tex. R. Civ. P. 192.3(a) ("[A] party may obtain discovery regarding any matter *that is not privileged* and is relevant to the subject matter of the pending action . . .") (emphasis added); 16 TAC § 22.141(a) ("Parties may obtain discovery regarding any matter, *not privileged* or exempted under the Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule . . .") (emphasis added).

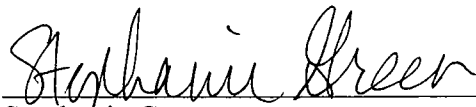
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**ATTORNEYS FOR SOUTHWESTERN
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion was served on all parties of record this
5th day of August, 2019.


Stephanie Green